

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-14 are all the claims pending in the application. By this Amendment, Applicant is amending claims 1, 3 and 10 to correct minor typographical errors and adding new claim 15. Applicant is also canceling claim 13 without prejudice or disclaimer. No new matter is added.

Claim to Foreign Priority

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Information Disclosure Statement

Applicant also thanks the Examiner for initialing the references listed on form PTO/SB/08 submitted with the Information Disclosure Statement filed on October 3, 2003.

Drawings

Applicant thanks the Examiner for acknowledging and accepting the drawings filed on October 3, 2003.

Specification

The disclosure is objected to because of minor informalities that have been addressed in the foregoing amendments.

Claim Objections

Claims 1 and 10 are objected to for minor informalities that have been addressed in the foregoing amendments.

Claim Rejections - § 112

Claim 13 is rejected under 35 U.S.C. 112, first paragraph.

Applicant has canceled claim 13, rendering the rejection moot.

Allowable Subject Matter

Claims 6, 8, 10, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant holds in abeyance the rewriting of these claims in independent form until the Examiner has had a chance to consider the arguments below with respect to independent claim 1.

Art Rejections

Claims 1-5, 7, 9 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Plessis (US 6,592,010).

Applicant respectfully traverses.

Claim Rejections - 35 U.S.C. § 102

Claims 1-5, 7, 9 And 12 In View Of Plessis (US 6,592,010).

In rejecting claims 1-5, 7, 9 and 12 in view of Plessis (US 6,592,010), the grounds of rejection state:

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Plessis shows a fluid dispenser as seen in Figs. 1-3, having a fluid reservoir 1 with an cylindrical opening 10 formed by a neck having a top end 12 and the inside wall defining a narrow aperture segment 13 and a recessed segment 14, a dispensing member 2 provided with a body 201, a fixing member 3 with a skirt 32 and a sleeve 31, the body forms a cam segment 203 for deforming the skirt and the skirt having a sealing zone 321 coming in contact with recessed segment 13, see Fig. 3.

With respect to claims 2, 3, 4 and 7:

The body has a top collar 21, a large diameter segment 201, intermediate segment 202 situated above the cam segment and below the large diameter segment. see Fig. 3.

With respect to claim 12:

The fixing member is provided with an abutment flange 33.

Office Action at pages 3-4. Applicant respectfully disagrees.

Plessis discloses a fluid dispenser device comprising a skirt being deformed by the inside wall of a reservoir's neck having a narrow opening section and a lower recessed opening section. However, the skirt does not contact the body of the dispensing member as required by the claims, as clearly visible in Figure 3 of the patent. Indeed, the skirt is spaced from the body by an intermediate space 34, even in the final assembled position. It can even be noticed that the transition 203 does not contact the skirt, but comes into the final assembled positions of the Figs. 2 and 3, at the level of the flange, which is not deformed due to its radial wall thickness.

Consequently, the body of the dispensing member does not act as a cam segment that deforms the skirt outwards into pressed contact with the opening.

In view of at least the foregoing distinction, claim 1 and claims dependent therefrom are believed to be allowable and the Examiner is requested to reconsider and withdraw the rejection.

New Claims

For additional claim coverage merited by the scope of the invention, Applicant is adding new claim 15, which is allowable at least because it recites that the body comprises a cam that deforms the skirt outwards into pressed contact with the opening prior to final positioning of the dispenser within the opening, the skirt comprising a sealing zone that, in a final position of the skirt, is in leaktight contact with the narrow aperture segment, and a fixing zone that, in the final position of the skirt, is in tight-fitting contact with the recessed segment.

Conclusion

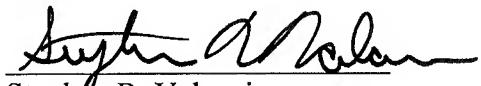
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Application No. 10/677,342

Attorney Docket No.: Q73141

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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